

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NEW YORK**

GERALD P. CZUBA, CURTIS CZAJKA
and RICHARD PELECKIS, individually
and on behalf of a Class of others
similarly situated,

Plaintiffs,

v.

IKO MANUFACTURING, INC., a
Delaware Corporation, IKO INDUSTRIES,
LTD., a Canadian corporation, IKO SALES,
LTD., a Canadian corporation,
IKO PACIFIC, INC., a Washington
corporation, and IKO CHICAGO, INC.,
an Illinois corporation,

Defendants.

Case No. 09-cv-0409 (WMS)

JOINT STATUS REPORT

Pursuant to the Court's August 6, 2009 Order, the parties hereby submit this joint status report regarding the proceedings pending in this Court as well as before the Judicial Panel on Multidistrict Litigation ("JPML").

On August 6, 2009, pursuant to 28 U.S.C. § 1407, defendants submitted a Motion for Transfer of Actions to the JPML¹ seeking transfer of 1) the instant action; 2) *McNeil, et al. v. IKO Manufacturing, Inc.*, No. 09-cv-4443 (N.D. Ill.); 3) *Hight, et al. v. IKO Manufacturing, Inc.*, No. 09-cv-00887 (W.D. Wash.); and 4) *Zanetti, et al. v. IKO Manufacturing, Inc.*, No. 09-cv-2017 (D. N.J.)² to the Northern District of Illinois for consolidated proceedings.

¹ *In re IKO Roofing Shingle Products Liability Litigation*, MDL No. 2104.

² The four actions were filed by the same plaintiff firms and involve similar allegations.

On August 28, 2009, in response to the defendants Motion for Transfer and consolidation to the Northern District of Illinois, plaintiffs requested that the JPML send the four actions to this District for consolidated proceedings (or as an alternative, to the District of New Jersey). In November 2009, the JPML will hold a hearing to determine where the actions will be sent.

Date: September 18, 2009

By: /s/ Charles J. LaDuca

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CERTIFICATE OF SERVICE

I hereby certify and affirm that on the 18th day of September, 2009, I electronically filed the foregoing filing with the Clerk of the United States District Court for the Western District of New York using its CM/ECF system.

/s/ Charles J. LaDuca
Charles J. LaDuca